

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

V.

Audible Magic Corporation,

Defendant.

Case No. 6:15-cv-584-RWS

Jury Trial Demanded

ORDER GRANTING COUNTERCLAIM DEFENDANTS' MOTION IN LIMINE

BEFORE THE COURT is Blue Spike, LLC’s, Blue Spike, Inc.’s, and Scott Moskowitz’ (“Counterclaim Defendants”) Motion in Limine. The Court, having carefully considered the motion and the parties’ briefing, is of the opinion that the Motion should be GRANTED.

ACCORDINGLY, Audible Magic is prohibited from discussing Joint Inventorship under Title 35 U.S.C. § 116 or Co-Inventorship under Title 35 U.S.C. § 256. Audible Magic’s experts are prohibited from discussing, opining, or providing evidence on the topic of inventorship, including but not limited to damages apportionment, or alleged individual or collective contributions of the four Muscle Fish inventors. Audible Magic is also prohibited from referring to Scott Moskowitz, Blue Spike, LLC, or Blue Spike, Inc. as “patent trolls” or “NPEs.”

IT IS ORDERED.